



Quick Reference: Immunization Consent Guidelines for Minors

Last fall, a new Texas law (SB 63, Sen. Nelson) broadened the categories of individuals who can consent to immunizations to include pregnant minors and minors with children. Below are frequently asked questions about consent guidelines for this new law:

Why was this change needed?

Prior to September 2013, when the new law took effect, minor parents could consent to medical treatment for their children, but could not consent to their own immunizations. Pregnant minors were also not allowed to consent to their own immunizations. This change helps protect the health of parents and children by allowing minor parents with custody of children and pregnant minors to consent to their own immunizations.

Can pregnant minors and minors with children consent to all immunizations?

No. The new law allowing pregnant minors and minors with children to consent to their own immunizations only includes vaccines recommended for administration *before 7 years of age*. Therefore, these minors may not consent to receive HPV or any other immunizations recommended only for teens or adults.

Can minors consent to immunizations for their children?

Yes. Existing law permits minors to consent to immunizations for children in their custody.

Are there any requirements for obtaining consent from such minors?

The law requires such consent by a minor to be in writing, signed by the person giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The minor parent must have custody of their children to consent to their own immunization.

In Texas, who else can consent to immunization of minors?

Parents, legal guardians, and persons authorized by another state or a court order may consent for the child. If those individuals are not available, the following people may consent:¹

- Grandparents
- Adult relatives (including siblings, aunts, uncles, and step-parents)
- Educational institutions with written authorization from someone having power to consent and in which the minor is enrolled
- Adults who have custody of a minor or who serve as the child's primary caregiver, and who have written authorization from someone having the power to consent
- A court that has jurisdiction over the child while a custody case is pending

Providers should refer to the Texas Family Code for complete rules on immunization consent.

What are other rules relating to consent for medical treatment?

Rules about consent for medical treatment, including immunizations, can be found in the Texas Family Code. Full text at <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.32.htm>.

¹ Texas Medical Association. *Who Can Consent to Immunization of Minors?* March 2007. <http://www.texmed.org/template.aspx?id=4148>